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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,258	04/18/2000	Jeffrey M. Jahn	00 P 7577 US	1761

7590 11/18/2002
Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
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EXAMINER

DAMIANO, ANNE L

ART UNIT PAPER NUMBER

2184

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,258

Applicant(s)

JAHN ET AL.

Examiner

Anne L Damiano

Art Unit

2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutrell et al. (6,141,777), Nakashima et al. (6,470,385), and further in view of Lewis (5,666,481).

Regarding claim 1, Cutrell discloses a method and apparatus for automatically reporting a detected network fault in a distributed communication network comprising; detecting the network fault (column 3: lines 6-9). Cutrell does not specifically disclose determining if the detected network fault is a reportable network fault. Nakashima discloses reporting failure (network status) only upon detection of a change or an error (column 2; lines 64-67).

It would have been obvious to a person skilled in the art at the time the invention was made to include reporting only crucial network information in the method and apparatus taught by Cutrell. It would have been obvious because Nakashima teaches that reporting all network information produces network traffic (column 1: lines 51-55) and that minimizing network traffic improves the quality of data transmission and increases the efficiency in network monitoring activities (column 2: lines 22-27). The Office interprets reporting as including the step of transmitting data.

Cutrell discloses displaying the detected faults to a user, according to a distribution list (column 3: lines 13-24). However, Cutrell does not specifically disclose generating an alarm report. Lewis discloses generating an alarm report (trouble ticket) (column 3: lines 36-43).

It would have been obvious to a person skilled in the art at the time the invention was made to include generating alarm reports in the fault reporting method and apparatus taught by Cutrell and Nakashima above. It would have been obvious because Lewis teaches that fault management becomes more difficult as communications networks grow in complexity and that alarm reports improves fault management in complex networks (column 1: lines 26-33).

Regarding claims 2 and 10, Cutrell discloses a method and apparatus for reporting network faults above. However, Cutrell does not disclose generating a solution to the faults. Lewis discloses generating a solution recommendation based upon the reportable network fault (column 3; lines 36-43 and column 5: lines 32-46).

It would have been obvious to a person skilled in the art at the time the invention was made to include the solution recommendation method and apparatus taught by Lewis into fault reporting method above. It would have been obvious because Lewis teaches that the use of personnel to research and resolve network faults is time-consuming and expensive (column 2: lines 12-15). A person skilled in the art would have understood that automating this process would reduce the time and cost of a network fault recovery.

As in claims 3 and 11, Cutrell discloses logging the network fault to a coupled event logger (database) (column 2: lines 22-27).

As in claims 4 and 15, Cutrell discloses the detecting comprising; monitoring the communication network by a monitor device (common carrier) (column 3: lines 6-9); generating a fault signal by the monitor device when the monitor device detects an out of compliance network event (column 2: lines 9-12) (The Office interprets the collecting of the network faults by the network management host being a result of the carrier generating a signal to indicate a fault); sending the fault signal to a fault detector (fault server) coupled to the monitoring device (column 2: lines 9); and logging the out of compliance event to the event logger (column 2: lines 13-16).

As in claims 5 and 16, Cutrell discloses determining if the out of compliance event is included in a reportable fault list (database of events pertinent to customer's leased services); designating the event as the reportable fault when the event is determined to be included in the reportable fault list (column 3: lines 13-24).

As in claim 6, Cutrell discloses the distribution list including destination addresses associated with the reportable fault (column 2: lines 22-25 and column 3: lines 13-24).

As in claims 7, 8, 12 and 13, Cutrell discloses determining a fault report recipient based upon the distribution list; and sending the fault report, in real time, to the determined fault report recipient by way of a fault report communication device including a display console, for display to the user (column 3: lines 13-24).

Regarding claims 9 and 14, Cutrell discloses the distributed communication system being a telecommunications system (column 1: lines 10-11). Cutrell does not disclose the communications system being a telephony over LAN (ToL) network.

It would have been obvious to a person skilled in the art at the time the invention was made to implement this method for a ToL network. It would have been obvious because a person skilled in the art would have understood that since both telecommunications and telephony networks, network management agents comprise very similar software agents, a method used for a telecommunications network could easily be implemented on a ToL network.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (703) 305-8010. The examiner can normally be reached on M-F 7:30AM-5:00PM, first Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Art Unit: 2184

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Anne L Damiano
Examiner
Art Unit 2184

ALD
November 14, 2002



SCOTT BADERMAN
PRIMARY EXAMINER